

1 J. Stephen Peek, Esq. (1758)
Bryce K. Kunimoto, Esq. (7781)
2 Robert J. Cassity, Esq. (9779)
HOLLAND & HART LLP
3 9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
4 Tel: (702) 669-4600
Fax: (702) 669-4650
5 speak@hollandhart.com
bkunimoto@hollandhart.com
6 bcassity@hollandhart.com

7 *Attorneys for Defendants*
ARUZE GAMING AMERICA, INC.
8 AND KAZUO OKADA

9 Jeffrey S. Love (*pro hac vice*)
Kristin L. Cleveland (*pro hac vice*)
10 Klarquist Sparkman, LLP
One World Trade Center
11 121 S.W. Salmon Street, Suite 1600
Portland, Oregon 97204
12 jeffrey.love@klarquist.com
kristin.cleveland@klarquist.com

13 *Attorneys for Defendant*
14 ARUZE GAMING AMERICA, INC.

15 UNITED STATES DISTRICT COURT

16 DISTRICT OF NEVADA

17 UNIVERSAL ENTERTAINMENT
18 CORPORATION,

19 Plaintiff,

20 v.

21 ARUZE GAMING AMERICA, INC., and
KAZUO OKADA,

22 Defendants.

Case No. 2:18-cv-00585-RFB-GWF

**STIPULATION AND ORDER TO
EXTEND CASE SCHEDULE**

1 IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff Universal
2 Entertainment Corporation (“UEC”) and Counterdefendants Aruze USA, Inc. (“Aruze USA”)
3 and Mr. Jun Fujimoto (“Fujimoto”), and Defendants Aruze Gaming America, Inc. (“AGA”) and
4 Mr. Kazuo Okada (“Okada”), by and through their respective counsel of record, and pursuant to
5 LR II 6-1 and LR II 26-4, that the discovery deadlines set forth in the Court’s *Joint Discovery*
6 *Plan and Scheduling Order* (ECF No. 26) shall be extended as set forth below:

7 **A. Discovery Completed**

- 8 1. Defendants served their Initial FRCP 26(a) Disclosures on August 13, 2018;
- 9 2. Plaintiff served its Initial FRCP 26(a) Disclosures on August 13, 2018;
- 10 3. Defendants served their First Request for Production of Documents to UEC on
11 September 27, 2018;
- 12 4. Plaintiff served its LPR 1-6 & 1-7 Initial Infringement Contentions of October 8,
13 2018;
- 14 5. Defendants served their First Supplemental FRCP 26 Disclosure on October 12,
15 2018;
- 16 6. Defendants served their Second Request for Production of Documents to UEC on
17 October 29, 2018;
- 18 7. Plaintiff served its Objections and Responses to Defendants First Request for
19 Production of Documents on October 29, 2018;
- 20 8. Defendants served their Second Supplemental FRCP 26 Disclosure on October
21 29, 2018;
- 22 9. Plaintiff served a production of documents on November 9, 2018;
- 23 10. Plaintiff served a Corrected LPR 1-6 and 1-7 document production on October 9,
24 2018;
11. Plaintiff served a production of documents on November 21, 2018;
12. Plaintiff served its Objections and Responses to Defendants’ Second Request for
Production of Documents on November 28;

1 13. Plaintiff served its First Request for Production of Documents to Defendant AGA
2 on January 2, 2019;

3 14. Defendants served their Third Supplemental FRCP 26 Disclosure on January 9,
4 2019;

5 15. Defendant AGA served its LPR 1-8 and 1-9 Initial Disclosure of Non-
6 Infringement, Invalidity, and Unenforceability Contentions on January 18, 2019;

7 16. Defendant AGA served its Responses to Plaintiff's First Request for Production
8 of Documents on February 1, 2019;

9 17. Defendant AGA served Amended LPR 1-8 and 1-9 Initial Disclosures on
10 February 11, 2019;

11 18. Plaintiff served its LPR 1-10 Response to Initial Non-Infringement, Invalidity and
12 Unenforceability Contentions on February 15, 2019;

13 **B. Discovery That Remains To Be Completed.**

- 14 1. Supplemental productions of documents by both parties;
15 2. Additional written discovery requests by both parties; and
16 3. Depositions of parties and non-parties, including foreign country depositions.

17 **C. Reasons Why the Extension is Warranted**

18 The Parties require an extension of the discovery deadlines set forth below in order to
19 account for the time-consuming nature and logistical challenges associated with this case.

20 This is a complex case involving internationally located parties, allegations of patent
21 infringement as well as claims for breach of contract and various business torts concerning a
22 period of time spanning over a decade.

23 Plaintiff UEC is a Japanese corporation and Counterdefendant Mr. Fujimoto is a Japanese
24 citizen. Mr. Okada is a Hong Kong citizen. The presence of international parties complicates
and slows discovery. Many documents must be collected from and reviewed overseas and are not
written in the English language. This creates logistical delays to speedy discovery. It is
anticipated that depositions will also need to be taken of foreign parties in foreign countries

1 using interpreters. This further complicates and adds to the time necessary to complete
2 discovery.

3 The patent side of the case involves UEC's allegations of infringement of four patents.
4 UEC has asserted a total of 74 claims against four of AGA's gaming machine cabinets and 33 of
5 its games. The Parties have exchanged initial contentions in accordance with the Joint Discovery
6 Plan and Scheduling Order set forth in this case. (ECF No. 26). During the contention exchange,
7 UEC served Initial Infringement Contentions (757 pages including claim charts), followed by
8 AGA's Initial Infringement, Invalidity and Unenforceability Contentions (1,778 pages including
9 claim charts). The initial exchange of claim terms identified over 30 terms that needed to be
10 construed, 20 terms identified as indefinite and several phrases identified as "printed matter" and
11 thus not having patentable weight. Defendant AGA intends to file, concurrent with its claim
12 construction brief, a Motion for Partial Summary Judgment on issues that are tied closely to the
13 claim construction process, preserving other possible issues which are proper for summary
14 adjudication at a later time, but on or prior to the Court's scheduled date for filing dispositive
15 motions.

16 The business torts involve complex dealings between various international entities and
17 individuals. Plaintiff has asserted various tort claims against AGA and Mr. Okada for intentional
18 interference with existing and prospective economic advantage, unjust enrichment, and
19 fraudulent misrepresentation. Moreover, AGA and Mr. Okada have asserted various
20 counterclaims against UEC, Aruze USA, and Mr. Fujimoto, including, among others,
21 counterclaims for indemnification related to an underlying litigation, breach of contract,
22 defamation based upon public statements made by UEC regarding AGA and Mr. Okada,
23 interference with contractual and prospective contractual relations, civil conspiracy giving rise to
24 Mr. Okada's removal from UEC, and abuse of process. These claims and counterclaims are
complex, span nearly a decade in time, require significant document collection and review, and
will involve a number of fact witnesses' depositions in addition to party depositions.

Further, the parties have each filed motions to dismiss (ECF Nos. 44, 59 & 60), which are now fully briefed and a hearing on the parties' respective motions to dismiss is currently scheduled for April 23, 2019. *See* ECF No. 70. The Court's disposition of these motions to dismiss may narrow the claims and possibly in turn the scope of certain discovery.

An extension of discovery is also necessary to allow the parties to conduct fact discovery subsequent to the Court's ruling on claim construction on the patent side of the case. The Court's determination of the meaning and scope of the patent claims will also help to inform the Parties as to the expert discovery needed.

The Parties are seeking to extend the deadlines set forth in the Discovery Plan and Scheduling Order in order to allow: 1) adequate time for discovery of both the patent and contract/tort claims, and 2) the parties to continue discussions intended to narrow the patent claim construction issues and present them to the Court in an efficient manner.

D. Proposed Schedule for Completing All Remaining Discovery

Event	Current Deadline	Proposed Deadline
Exchange of Preliminary Claim Construction	March 15, 2019	March 29, 2019
Submit Joint Claim Construction and Prehearing Statement	March 22, 2019	April 19, 2019
Motion to Amend Pleadings/Parties	April 12, 2019	June 12, 2019
Opening Claim Construction Brief/ MSJ	April 24, 2019	May 24, 2019
Response to Claim Construction Brief/ Response to MSJ	May 10, 2019	June 28, 2019
Reply Claim Construction Brief/ Reply ISO MSJ and Matter Submitted to court for Hearing	Friday, May 17, 2019	July 19, 2019
Interim Status Report	Friday, March 22, 2019	July 26, 2019
Claim Construction Tutorials, Hearing, and Order from Court	To be determined based on the Court's calendar.	To be determined based on the Court's calendar.

1	Discovery Cut-Off for Fact Discovery	July 12, 2019	January 27, 2020
2	Initial Expert Disclosures	The later of 45 days after Court's claim construction order or 45 days after close of fact discovery.	The later of 45 days after Court's claim construction order or 45 days after close of fact discovery.
3			
4	Rebuttal Expert Disclosures	30 days after initial expert disclosures.	30 days after initial expert disclosures.
5	Discovery Cut-Off for Expert Discovery	30 days after rebuttal expert disclosures.	30 days after rebuttal expert disclosures.
6	Dispositive Motions Due	30 days after close of expert discovery.	30 days after close of expert discovery.
7	Post-Claim Construction Settlement Conference	30 days after Court's claim construction order.	30 days after Court's claim construction order.

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Joint Pre-Trial Order	The later of 30 days after the dispositive motion cutoff, if no dispositive motions are filed, or 30 days after the Court enters a ruling on dispositive motions.	The later of 30 days after the dispositive motion cutoff, if no dispositive motions are filed, or 30 days after the Court enters a ruling on dispositive motions.
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RESPECTFULLY SUBMITTED this 15th day of March, 2019.

By: /s/ Robert J. Cassity, Esq.
 J. Stephen Peek, Esq. (1758)
 Bryce K. Kunimoto, Esq. (7781)
 Robert J. Cassity, Esq. (9779)
 9555 Hillwood Drive, 2nd Floor
 Las Vegas, Nevada 89134

Attorneys for
Defendants/Counterclaimants
 ARUZE GAMING AMERICA, INC.
 AND KAZUO OKADA

Jeffrey S. Love (*pro hac vice*)
 Kristin L. Cleveland (*pro hac vice*)
 Klarquist Sparkman, LLP
 One World Trade Center
 121 S.W. Salmon Street, Suite 1600
 Portland, Oregon 97204

Attorneys for
Defendant/Counterclaimants
 ARUZE GAMING AMERICA, INC.

By: /s/ Andrew Z. Weaver, Esq.
 Jay J. Schutttert, Esq. (8656)
 David W. Gutke, Esp. (9820)
 2300 West Sahara Avenue, Suite 950
 Las Vegas, NV 89102

Andrew Z. Weaver, Esq.
 Gregory V. Novak
 POLSINELLI PC
 1000 Louisiana Street, 53rd Floor
 Houston, TX 77002

Henry A. Petri, Jr., Esq.
 POLSINELLI PC
 1401 Eye Street NW, Suite 800
 Washington, DC 20005

Attorneys for Plaintiff/Counter
Defendant UNIVERSAL
 ENTERTAINMENT CORPORATION
 and *Counter Defendants* ARUZE USA
 and JUN FUJIMOTO

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: March 18, 2019

CASE NO.: 2-18-cv-00585-RFB-GWF